

REMARKS

Claims 1, 4 and 9-15 are pending in this application. Claims 1, 4 and 15 have been amended. Claims 2, 3, 5 and 6 have been canceled. Reconsideration of the claims is respectfully requested.

35 U.S.C. §103, Obviousness

The Examiner has rejected claims 1, 9, 12 and 15 under 35 USC §103(a) as being unpatentable over Hegler (US Pat. No. 6,079,451) in view of Shimizu (JP 2002-165327). This rejection is respectfully traversed.

In rejecting the claims, the Examiner writes:

The reference to Hegler discloses the recited housing member for elongate material comprising a longitudinal housing having a plurality of convex portions arranged at predetermined pitches along the longitudinal direction, where the convex portions on one half of the housing are wider than those on another part of the housing such that they nest together to close the housing, and inherently the nesting of the convex portions would prevent longitudinal movement. The reference to Hegler discloses all of the recited structure with the exception of forming the housing member of two pieces forming a base and cover portion that interlock, where the type of overlapping structure with convex portions of different width at the longitudinal seam is already disclosed by Hegler. The reference to Shimizu discloses the recited housing for elongate material comprising a housing which can be formed either as one piece with a single seam such as embodiment of figure 4, or as two pieces such as the embodiment of figure 12.

The Examiner has also rejected claims 1, 4, and 9-15 under 35 USC §103(a) as being unpatentable over Bartholomew (US. Pat. No. 5,566,722) in view of Hegler and Shimizu. This rejection is also traversed.

Specifically, the Examiner writes:

The reference Batholomew discloses all of the recited structure with the exception of forming the housing of two pieces, and forming the convex portions with difference widths to allow them to nest. It would have been obvious to one skilled in the art to modify the convex portions in Bartholomew to have different widths to allow such to nest together such that the longitudinal seam is closed as suggested by Hegler where such would allow the seam to be fully covered due to the overlapping of the convex portions which would only be possible with the teachings of Hegler to provide different width convex portions. It would have

been obvious to one skilled in the art to modify the housing in Bartholomew to be made of two pieces as suggested by Shimizu where such is an alternate manner to form housing members either of one single piece or two pieces as such teaches the equivalence of the two embodiments and it only requires routine skill in the art to make a unitary piece into a pair of pieces.

Claim 1, as amended, recited that fitted portions (4) are provided at both ends of each of the convex portions (2) of said base (B), and fitting portions (3) are provided at both ends of each of the convex portions (1) of said cover (C) (see Figures 4 to 8). When the cover (C) is assembled to the base (B), each of the fitting portions (3) of the cover is fitted on an outer side of the corresponding fitted portion (4) of the base (B) so as to be overlaid on each other. A cross-sectional shape of each of the fitted portions (4) is smaller than a cross-sectional shape of the corresponding convex portion (2) so that an abutting step portion (6) is formed at a border portion between each of the fitted portions (4) and corresponding convex portions (2) (see Figure 7). When each of the fitting portions (3) of the cover (C) is fitted on the outer side of the corresponding fitted portion (4) of the base (B), an end surface (7) of each of the fitting portions (3) abuts to the corresponding abutting step portion (6).

In the claimed invention, because the fitting portion of the convex portion of the cover is fitted on the outer side of the fitted portion of the convex portion of the base, so as to be overlaid on each other, the fitting portion functions as a type of umbrella for the housing member and can prevent rainwater and dust from entering from above into the housing member (see paragraph 0095). None of the prior art references have this capability because of their design.

Furthermore, a cross-sectional shape of the fitted portion (4) is smaller than a cross-sectional shape of the corresponding convex portion (2) so that an abutting step portion (6) is formed at a border portion between the fitted portion (4) and the corresponding convex portion (2). Accordingly, the end surface (7) of the fitting portion (3) abuts on the abutting step portion (6) when the cover (C) is assembled to the base (B), and thus the state in which the cover (C) covers the base (B) becomes stable. In addition, the convex portion (2) of the base (B) and the convex portion (1) of the cover (C) can be formed to have approximately the same width dimension (QL) (see Figure 6) so that a projected portion does not exist in the part where the convex portion (1) of the cover (C) and the convex portion (2) of the base (B) engage with each other. This improves the appearance of the housing member and facilitates handling of the housing member (see paragraph 0091).

Furthermore, the housing member has a substantially rectangular cross-sectional shape when the cover (C) is assembled to the base (B). Accordingly, the housing member can be stably placed on a placement surface without rotating about the longitudinal axis of the housing member. That is, the housing member can be stably placed in a state in which the cover (C) is positioned on the base (B) so that the fitting portion (3) of the cover (C) functions as an umbrella and the end surface (7) of the fitting portion (3) stably placed on the abutting step portion (6) of the base (B).

In contrast, all of the cited references disclose a housing member having a circular cross-sectional shape but do not disclose a housing member that has a substantially rectangular cross-sectional shape when the cover is assembled to the base. In the cited references, it is difficult to stably place the housing member so as not to rotate about the longitudinal axis of the housing member. Accordingly, the cited references do not have the advantages obtained by the claimed invention.

With regard to the Shimizu reference, the embodiment shown in Figure 12 merely shows a housing formed as one piece. Shimizu does not disclose a housing comprising two pieces that form a base and a cover.

Therefore, even assuming the proposed combination of references suggested by the Examiner, the resulting combination still would not produce the limitations of the claimed invention.

For the purposes of the present discussion, claim 15 is distinguished from the Hegler and Shimizu for the reasons explained above in relation to claim 1.

Because claims 4 and 9-14 depend from claim 1, they are also distinguished from the prior art for the reasons explained above.

Therefore, it is respectfully asserted that the rejection of claims 1, 4, and 9-15 under 35 USC §103 has been overcome and should be withdrawn.

CONCLUSION

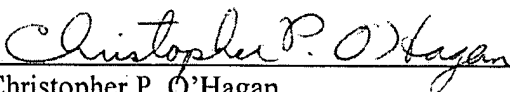
Applicant submits that all existing claims are now in a condition for allowance.

If there are any outstanding issues that the Examiner feels may be resolved by way of a telephone conference, the Examiner is invited to call Colin Cahoon at the below-listed telephone number if, in the opinion of the Examiner, such a telephone conference would expedite or aid the prosecution and examination of this application.

The Commissioner is hereby authorized to charge any payments that may be due or credit any overpayments to Carstens & Cahoon, LLP Deposit Account 50-0392.

Date: September 11, 2008

Respectfully submitted,



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